IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 8975 of 1995

Between:

1 Ponasanapalli Ramayya S/o. Dharmaraju
R/o. Pudipalli Village Rampachodavaram Taluk, E.G.District.
2 Ponasanapalli Venkataratnalu S/o. Atchayya
R/o. Pudipalli Village Rampachodavaram Taluk, E.G.District.
3 Ponasanapalli Rama Rao S/o. Bhimaraju
R/o. Pudipalli Village Rampachodavaram Taluk, E.G.District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh Revenue Department, Secretariat Bldgs., rep. by its Secretary.
2 The Agent to the Government
East Godavari District, Kakinada.
3 The Special Deputy Collector
Tribal Welfare, Rampachodavaram, E.G.District.
4 The Mandal Revenue Officer,
Devipatnam, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or writ or orders more particularly one in the nature of Writ of Mandamus declaring order passed by the 2nd respondent in C.M.A.No. 112/79 dated 7.8.85 confirming the order of the 3rd respondent made in L.T.R.P.NO. 474/76 as highly illegal, arbitrary, void and unjust.

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.8975 OF 1995

ORDER:

This writ petition is filed questioning the order dated 7.8.1985 in C.M.A.No.112/1979 confirming the order of the 3rd respondent made in L.T.R.P.No.474 of 1976, which were passed in exercise of powers under A.P. (Schedule Areas) Land Transfer Regulations 1 of 1959 as amended by Regulation 1 of 1970.

Admittedly, against the orders impugned, remedy of revision lies to the Government. Learned counsel has placed a copy of revision filed on 9.5.1995 before the Hon'ble Minister for Revenue. However, the learned counsel appearing for the respondents stated that the said revision was ought to have been filed before the Department of Tribal Welfare and not before the Department of Revenue.

As there is a remedy of revision, I dispose of the writ petition permitting the petitioner to file revision against the order in C.M.A.No.112 of 1979 dated 7.8.1985 before appropriate revisional authority, within a period of four weeks from the date of receipt of a copy of this order. If such revision is filed, the revisional authority shall entertain and dispose of the same on merits. Pending disposal of the revision, *status quo* obtaining as on today shall be maintained. If, no revision is filed within the time stipulated, it is open for the respondents to take steps in accordance with the orders passed by the third respondent in L.T.R.P.No.474 of 1976.

Subject to above direction, the writ petition is disposed of. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.07.02.2005.

Note:

Issue c.c.in three days.

B/o.

Mdaa

Copy to:

1. The Secretary, Government of Andhra Pradesh,

Revenue Department, Secretariat Bldgs.,

2 The Agent to the Government
East Godavari District, Kakinada.

3 The Special Deputy Collector
Tribal Welfare, Rampachodavaram, E.G.District.

4 The Mandal Revenue Officer,
Devipatnam, E.G.District.

5. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad(out).

6. Two CD copies.